

Form To Be Used By A Prisoner In Filing A Civil Rights Complaint
In The United States District Court
For The Middle District Of Pennsylvania

71774-004

(Inmate Number)

Michael Tyrone McCullon

(Name of Plaintiff)

United States Penitentiary-Lewisburg

(Address of Plaintiff)

P.O. Box 1000 Lewisburg, PA 17837

3:12-CV-445

(Case Number)

COMPLAINT

VS.

Plaintiffs First Amended
Complaint

Correctional Officers G. Reese, J. Carpenter,

S. Booth, J. Lesko, S. Hicks, K. Whittaker, and

W. Cross

(Judge Kosik)

(Magistrate Judge Carlson)

This is Plaintiffs First Amended Complaint pursuant to Federal Rules of Civil Procedure Rule 15(a). This amended complaint is naming the [REDACTED] John Doe Defendants Correctional Officers.

FILED
HARRISBURG, PA

SEP 07 2012

MARY E D'ANDREA, CLERK
Per Deputy Clerk

III. Defendants
(In Item B use the names, positions, and places of employment of any additional defendants.)

B. Additional defendants Correctional Officer's G. Reese, J. Carpenter, S. Booth, J. Lesho, S. Hicks, K. Whittaker, and W. Cross
2400 Robert F. Miller Drive, Lewisburg, PA 17837

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

2. Correctional Officer's Reese, Carpenter, Booth, Lesho, Hicks, Whittaker and Cross (Use of Force Team Staff) violated the plaintiff by constituting cruel and unusual punishment, the use of excessive force and deliberate indifference under the Eighth Amendment. On 9-06-2010 Correctional Officers (Reese, Carpenter, Booth, Lesho, Hicks, Whittaker and Cross) came to cell # 308 between 12:00pm - 1:45pm on the 3rd Floor of the Z-Block Unit at United States Penitentiary Lewisburg, PA. All Correctional Officers were participating in the Use of Force Team.

When Plaintiff submitted to handcuffs, Plaintiff was taken to cell # 317 where the Use of Force Team staff (i.e. Reese, Carpenter, Booth, Lesho, Hicks, Whittaker, and Cross) applied the hard steel ambulatory ^{restraints} excessively tight maliciously and sadistically causing the infliction of unnecessary wanton pain deliberately and knowingly. The Use of Force Team Staff had a culpable mind-set to cause Plaintiff harm and injuries. (See Ex. 1) This is a regular and unjustified practice by the Use of Force Team Staff. Plaintiff never resisted the Use of

Continuation Page 2 IV. Statement of Claim

2. Force Team Staff at any time while they were applying the ambulatory restraints, so there was no need or penological justification to apply these restraints excessively tight to cause Plaintiff pain, suffering and injuries.

The Use of Force Team Staff did not apply the restraints in a good-faith effort to maintain security because Plaintiff never posed any threat to them or other staff. This is the second time I have suffered injuries and pain by the Use of Force Team Staff by the application of the ambulatory restraints excessively tight. (See: Exhibit E of Civil Case No. 3:10-CV-1541 that was filed in this same court)

The Use of Force Team Staff uses these hard steel ambulatory restraints as a form of punishment and torture tactics to deter future misbehavior. (See: Ex. 4 Program Statement 3420.09 Standard of Employee Conduct Page 9 Paragraph (2), (4), and (7) and Program Statement 5566.06 Use of Force and Application of Restraints Page 6 Paragraph 6 a, [b. Page 7 h (1) (2) (3).

As a result I had paralysis to my left hand and fingers and had indentions on my forearm for two weeks. I have permanent black bruises, lacerations, and cuts around my stomach area. These restraints were applied on 9-6-2010 and three day later (9-9-2010) the injuries could still be seen. (See: Ex. 1) I was in excruciating pain and extreme discomfort and injuries and mental anguish from the reckless, wanton, unnecessary physical pain and malicious, sadistic and invidious conduct by the Use of Force Team Staff.

Continuation Page 2 IV. Statement of Claim

2. The Use of Force Team Staff demonstrated callous indifference to the harm, suffering, and pain they deliberately and knowingly subjected Plaintiff to.

V. Relief

(State briefly exactly what you want the court to do for you.
Make no legal arguments. Cite no cases or statutes.)

2. Plaintiff seeks compensatory damages in the amount of \$10,000⁰⁰ against each Defendant (of the Use of Force Team Staff i.e. G. Reese, J. Carpenter, S. Booth, J. Lesho, S. Hicks K. Whittaker, and W. Cross) who applied the ambulatory restraints. And Plaintiff seeks punitive damages in the amount of \$10,000⁰⁰ against each Defendant.

All Defendants are being sued in their individual capacities. All Defendants should pay for all expenses and fees regarding the filing of this civil complaint and all attorney fees, and for any future psychological counseling.

Signed this 28th day of August 2012.

Michael Jerome McCallum
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

August 28, 2012
(Date)

Michael Jerome McCallum
(Signature of Plaintiff)

Inmate Name: Michael McCallen
Register Number: 71774-004
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

MP

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LEGAL MAIL

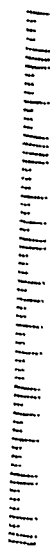
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MAHY E. DANDREA, CLERK

Per Harrisburg, PA 17108

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TO: OFFICE OF THE CLERK

United States District Court
Middle District of Pennsylvania
U.S. Courthouse
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108